

Press Release

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PACE pre-electoral delegation concerned with lack of signs of progress in the run-up to the partial re-run of the parliamentary elections in Azerbaijan

Strasbourg, 28.04.2006 – The pre-electoral delegation of the Parliamentary Assembly of the Council of Europe (PACE) is concerned with the lack of signs of democratic progress in the run-up to the partial re-run of the parliamentary elections in Azerbaijan scheduled for 13 May 2006.

The parliamentary elections on 6 November 2005, in the opinion of the Assembly and other international observers, despite some improvements in the pre-electoral period, were seriously flawed and failed to meet a number of Council of Europe standards regarding democratic elections. Following the November elections the Assembly adopted Resolution 1480 (2006) in which it concluded that Azerbaijan had persistently failed to honour the obligations and commitments it took upon itself when it joined the Council of Europe. The Assembly therefore reserved itself the possibility to reconsider the ratified credentials of the national delegation of Azerbaijan to PACE during its June session, on the basis of a report on the progress made by the Azerbaijani authorities, in order to ensure that the re-run in the ten constituencies fully abides by democratic principles. In particular the resolution specifies that the Azerbaijani authorities should make a full and transparent investigation of reported electoral fraud during the November elections, reform its electoral code in line with the recommendations made by the Venice Commission of the Council of Europe and fully guarantee freedom of assembly and expression as well as pluralism in the electronic media.

The partial re-run of the parliamentary elections in ten constituencies on 13 May 2006 is therefore crucial for the Azerbaijani authorities to show that they have the political will to commit themselves to democratic standards and to honour the commitments Azerbaijan voluntarily accepted when it joined the Council of Europe. However the delegation would like to stress that while in only ten constituencies electoral fraud was officially recognised to have changed the outcome of the elections, the results in a significant number of other constituencies can also be questioned.

The delegation regrets the low visibility of the electoral campaign and the apparent lack of interest of the public in the upcoming elections in the ten constituencies. This could be seen as a sign of a lack of public confidence in the electoral process after the November elections. The authorities should therefore seize all opportunities offered with the partial re-run of these elections on 13 May to restore public confidence in the democratic process in Azerbaijan.

Regrettably the pre-electoral mission of the Assembly, during its visit to Azerbaijan on 27 and 28 April 2006, could detect little proof of the existence of the political will to make progress in the areas demanded by the Assembly.

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The Parliamentary Assembly brings together 315 members from the national parliaments of the 46 member states.

President: René van der Linden (Netherlands, EPP/CD); Secretary General of the Assembly: Mateo Sorinas.

Political Groups: SOC (Socialist Group); EPP/CD (Group of the European People's Party); ALDE (Alliance of Liberals and Democrats for Europe); EDG (European Democratic Group); UEL (Group of the Unified European Left).

The pre-electoral mission would therefore like to make the following recommendations to the Azerbaijani authorities:

- i. The reform of the electoral code is a crucial pre-requisite to ensure that future elections will take place according to Council of Europe standards and commitments. The Azerbaijani authorities should therefore, without delay and before the upcoming re-run of the elections, make an official request to the Venice Commission for co-operation on the reform of the electoral law. The authorities should make it clear that as part of this co-operation, they are willing to change the composition of the election commissions in such a manner that the election administration has the full confidence of all electoral stakeholders. In addition, the authorities should ask for the assistance of the Venice Commission in further developing the procedure for an efficient handling of election-related complaints and appeals.
- ii. The Law on Freedom of Assembly continues to give disproportional discretion to local executive authorities in agreeing to accept requests for campaign activities and their venues. The Azerbaijani authorities should make it clear in their request to the Venice Commission that they are willing to amend the Law on Freedom of Assembly in order to bring it into line with accepted European standards.
- iii. The investigations into electoral fraud during the November elections have only resulted in a limited number of prosecutions. The authorities should continue their efforts to give full disclosure to the public and international community regarding the investigations made and conclusions reached. In this respect the *ad hoc* committee deplores the failure of the Constitutional Court to clarify the criteria according to which it decided to cancel the results in six constituencies and accepted the results in others. The delegation hopes that the President of the Republic of Azerbaijan, as he did before the November elections, will make a public statement before the upcoming elections that any reports of violations of the election law will be fully investigated and, where any are found, the perpetrators will be prosecuted to the full extent of the law.

The pre-electoral delegation would like to stress that implementation of these recommendations by the Azerbaijani authorities is not only necessary to meet the demands made by the Parliamentary Assembly of the Council of Europe. Most of all they are crucial to restore the confidence of the Azerbaijani public and electoral stakeholders in the democratic process by showing a clear political will on the part of the Azerbaijani authorities to abide by the rules and commitments of a full and genuinely democratic member of the Council of Europe. The Council of Europe and the Azerbaijani authorities should continue their co-operation to improve electoral practices in Azerbaijan, also when these elections are over. The pre-electoral delegation is convinced that there is still enough time for the Azerbaijani authorities to implement democratic reform and to show, with the conduct of the upcoming election re-run, their commitment to the development of a democratic society in Azerbaijan.

The pre-electoral delegation would like to reiterate the support of the Assembly for the democratic development of Azerbaijan. The Parliamentary Assembly will therefore deploy a twenty-member delegation to observe the partial re-run of the parliamentary elections on 13 May 2006.

The pre-electoral mission of the Parliamentary Assembly visited Azerbaijan from 27 to 28 April 2006 in order to assess the political climate and preparations in the run up to the partial re-run of the parliamentary elections in Azerbaijan on 13 May 2006. The pre-electoral mission, which is composed of a representative of each of the five political groups in the Assembly, consisted of:

- Leo Platvoet (Netherlands, UEL), head of delegation
- Ruth-Gaby Vermot-Mangold (Switzerland, SOC)
- Eduard Lintner (Germany, EPP/CD)
- Fiorello Provera (Italy, ALDE)
- Mevlüt Çavuşoğlu (Turkey, EDG)

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